EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-0062-PWS-E **TCEQ ID:** RN101451532 **CASE NO.:** 32209

RESPONDENT NAME: West Harrison Water Supply Corporation

	and the second s	
ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Public water sup SMALL BUSINESS: YesX_ OTHER SIGNIFICANT MATTERS: Ther facility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinated TCEQ Enforcement Coordinator 4012; Mr. Steven Lopez, Enforcen Respondent: Mr. Jay Nelson, Pres Texas 75650	_ No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on June 11, 2007. No	al pending enforcement actions regarding this rest in this matter. comments were received. Enforcement Team 2, MC R-13, (210) 403-

pump station or pressure plane for

the 224 wholesale connections.

DOCKET NO.: 2007-0062-PWS-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS **CORRECTIVE ACTIONS** THE PERSON OF THE PROPERTY OF THE PARTY OF T BARBORY STRANCES TAKEN/REQUIRED Type of Investigation: Total Assessed: \$798 **Corrective Actions Taken:** Complaint X Routine Total Deferred: \$159 1) The Executive Director recognizes that the Enforcement Follow-up x Expedited Settlement Respondent has completed the following Records Review corrective actions: Financial Inability to Pay Date(s) of Complaints Relating to this a. On or about January 26, 2007, installed a Case: None SEP Conditional Offset: \$0 legible sign at Well Number 2 that includes the name of the water supply and an Date of Investigation Relating to this Total Paid to General Revenue: \$639 emergency telephone number where a Case: November 27, 2006 responsible official can be reached; and Site Compliance History Classification Date of NOE Relating to this Case: b. On or about February 8, 2007, installed a High __ Average __ Poor January 5, 2007 (NOE) portable generator that is capable of providing emergency power to deliver water Person Compliance History Classification Background Facts: This was a routine at a rate of 0.35 gpm per connection to the High Average Poor investigation. Five violations were distribution system in the event of the loss of normal power supply. documented. Major Source: ___ Yes _x No WATER Ordering Provisions: Applicable Penalty Policy: September 2002 2) The Order will require the Respondent to: 1) Failed to provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections [30 Tex. ADMIN. a. Immediately upon the effective date of this CODE § 290.45(b)(1)(D)(iv) and TEX. Agreed Order, begin maintaining calibration HEALTH & SAFETY CODE § 341.0315(c)]. records for the flow meter on Well Number 2) Failed to provide two or more service b. Within 45 days after the effective date of pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection for the this Agreed Order, submit written certification, and include detailed supporting 413 retail connections and failure to documentation including photographs, provide two service pumps with a receipts, and/or other records to demonstrate minimum combined capacity of 0.6 gpm compliance with Ordering Provision 2.a. per connection at each pump station or pressure plane for the 224 wholesale connections [30 Tex. ADMIN. CODE § c. Within 90 days after the effective date of 290.45(b)(1)(D)(iii) and Tex. Health & this Agreed Order: SAFETY CODE § 341.0315(c)]. i. Provide an elevated storage capacity of 100 gallons per 3) Failed to provide emergency power to deliver water at a rate of 0.35 gpm per connection for the 413 retail connection to the distribution system in the connections; event of the loss of normal power supply [30 Tex. Admin. Code § ii. Provide two or more service 290.45(b)(1)(D)(v) and Tex. Health & pumps with a total capacity of 2.0 SAFETY CODE § 341.0315(c)]. gpm per connection for the 413 retail connections; and 4) Failed to maintain a legible sign at Well Number 2 that includes the name of the iii. Provide two service pumps with water supply and an emergency telephone a minimum combined capacity of number where a responsible official can be 0.6 gpm per connection at each

290.46(t)].

reached [30 Tex. ADMIN. CODE §

RESPONDENT NAME: West Harrison Water Supply Corporation **DOCKET NO.:** 2007-0062-PWS-E

calibration of the Number 3 and to available to Com time of the invest	tain records regarding the flow meter for Well make those records mission personnel at the igation [30 Tex. ADMIN. 10(2) and (f)(3)(B)(v)].	d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
		,

•

.

.

Policy Revision 2 (Septe	Penalty Calculation	Worksheet (P	CW)	cember 8, 2006
ICEO	5111061-2002)			
DATES Assigned PCW	3-Jan-2007 11-Jan-2007 Screening 10-Jan-2007	EPA Due		
RESPONDENT/FACILITY_				
Respondent	West Harrison Water Supply Corporation			-
Reg. Ent. Ref. No.		Major/Minor Source	Minor	
CASE INFORMATION			le .	-
Enf./Case ID No.		No. of Violations		
	2007-0062-PWS-E Public Water Supply	Order Type	Rebecca Clausewitz	100
Multi-Media	rubiic Water Supply		EnforcementTeam 2	
Admin. Penalty \$ L	imit Minimum \$50 Maximum	\$1,000		
	Penalty Calcula	tion Section	·	***************************************
TOTAL BASE PENAL	TY (Sum of violation base penalties	management of the second secon	Subtotal 1	\$760
TO TAL DAGE LEWIS				
ADJUSTMENTS (+/-)				
Subtotals 2-7 are obtair Compliance Histo	ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage. Enhancement Subt	otals 2, 3, & 7	\$38
Compliance risit			0.075 2, 0, 0.7	Ç
	The enhancement is due to one prior No	tice of Violation ("NOV")		
Notes	containing violations that are the same as o			
	the current enforcement	action.		
,				
Culpability	No 0%:	Enhancement	Subtotal 4	\$0
Notes	Respondent does not meet the c	ulpability criteria.		
Good Faith Effort	to Comply 0%	Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer			·
Extraordinary				
Ordinary				
N/A	X (mark with x)			
Notes	The Respondent does not meet the	good faith criteria.		
			<u> </u>	
		Enhancement*	Subtotal 6	\$0
Approx.	Total EB Amounts \$1,966 *Capped Cost of Compliance \$40,100	at the Total EB \$ Amount		
••	•			
SUM OF SUBTOTAL	S 1-7		Final Subtotal	\$798
OTUED EXOTODO A	n WOTIGE MAY DECUME		Adjustment	\$0
OTHER FACTORS A	S JUSTICE MAY REQUIRE subtotal by the indicated percentage. (Enter number only	r: e.a30 for -30%.)	Adjustment	Ψ0
reduces of enflances the final c	about by the indicated personnege. (2.11.6. harmos em)	, c.g. 55.0. 55759		
Notes				
		Final Pe	enalty Amount	\$798
STATUTORY LIMIT A	ADJUSTMENT	Final Ass	essed Penalty	\$798
<u> </u>		<u> </u>		6450
DEFERRAL	and the legislation of the second of the sec	20% Reduction	Adjustment	-\$159
Reduces the Final Assessed Per	nalty by the indicted percentage. (Enter number only; e.g	g. 20 IOI 2076 (BUUCUOII.)		
Notes	Deferral offered for expedite	d settlement.		
			6 }	

PAYABLE PENALTY

\$639

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Case ID No. 32209

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

mpliance History	Site Enhancement (Subtotal 2)			
		Enter Number Here	Adjust.	-
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	
	Other written NOVs	Q	0%]
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0'	0%	
Órders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government		0%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	1
Emissions	Chronic excessive emissions events (number of events)	0	0%]
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
	Plea	se Enter Yes or No		-
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Ottlei	Participation in a voluntary pollution reduction program	No	0%	1
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements		0%	
peat Violator (Su	Adjustment F	Percentage (Su	ıbtotal 2)	
N/A		Percentage (Su	ıbtotal 3)	
npliance History	Person Classification (Subtotal 7)			
N/A	Adjustment F	Percentage (Su	ıbtotal 7)	
mpliance History	Summary	Y.		
Compliance History Notes	The enhancement is due to one prior Notice of Violation ("NOV") containing violations that a or similar to the violations in the current enforcement action,	re the same as		
	Total Adjustment Percentage			

	ng Date 10-Jan-2007	Docket No. 2007-006		PCW
	ondent West Harrison Water Supply Cor ID No. 32209	poration	Policy Revision 2	(September 2002) December 8, 2006
	nce No. RN101451532		7 099 1 (09)3(0)1	Secomber 6, 2000
	Statute] Public Water Supply			
	dinator Rebecca Clausewitz			
	Number 1			***************************************
Ru	le Cite(s) 30 Tex. Admin. Code § 290	0.45(b)(1)(D)(iv) and Tex. Health 341.0315(c)	n & Salety Code §	
Violation De	scription 413 retail connections. Spec elevated storage of 41,300 gallo	storage capacity of 100 gallons ifically, the water system should ns; however the system current ch is approximately 40% deficie	l provide a minimum Ily provides only 25,000	
	I management of the second of		Base Penalty	\$1,000
>> Environmental, Pr	operty and Human Health Matrix			
	Harm Release Major Moderate M	Minor		
OR	Actual Potential X	Percent	10%	
>>Programmatic Mat	rix			
		Minor		
		Percent	0%	
Matrix Notes SI	ithout adequate elevated storage capacity, nortages or outages, and the system's abilit be	customers of the water supply y to supply a safe and adequate e impaired.	could experience water e supply of water could	
The state of the s		Adjustmer	it \$900	
				\$100
Violation Events				
Nui	mber of Violation Events 1	44 Number	of violation days	
	daily	A. Constitution of the Con		
	monthly			
	ark only one with an x semiannual annual single event		Violation Base Penalty	\$100
	One quarterly event is recommended, calcu 2006, to the date of	lated from the date of the inves screening, January 10, 2007.	tigation, November 27,	
Economic Benefit (E	B) for this violation	Statuto	ory Limit Test	
	Estimated EB Amount	\$1,181 Viola	tion Final Penalty Total	\$105
	h	violation Final Assessed Pena	alty (adjusted for limits)	\$105
	Hills	Holadon i mai Assessea i elle	and (any account of mine)	7.00

Case ID No	32209	Water Supply Corp	oration			in the second of	italian kanala Marja
Reg. Ent. Reference No Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	2 1955.					proposite #100 is	1
Delayed Costs	S	1		7 66 1			40
Equipment Buildings				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$20,000	27-Nov-2006	1-Oct-2007	0.8	\$56	\$1.125	\$1,181
Engineering/construction	Ψ20,000	27-INOV-2000	1-00-2007	0.0	\$0	\$0	\$0
Land				1 0.0	\$0	n/a	\$ \$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				1 00 1	\$0	n/a	80
	The delayed	costs include the a	mount to Increase	e the eleva	ted storage cap	acity to provide a m	
Notes for DELAYED costs Avoided Costs	gallons po	er connection for the	e 413 retail conne estimated	otions, cald I date of co entering ite	culated from the empliance. em (except for	acity to provide a mediate of the investig	inimum of 100 ation to the
Avoided Costs Disposal	gallons po	er connection for the	e 413 retail conne estimated	etions, cald I date of co entering ite	culated from the empliance. em (except for \$0	one-time avoided o	inimum of 100 ation to the costs)
Avoided Costs Disposal Personnel	gallons po	er connection for the	e 413 retail conne estimated	ections, cald I date of co	culated from the empliance. em (except for \$0 \$0	one-time avoided of \$0	inimum of 100 ation to the costs)
Avoided Costs Disposal	gallons po	er connection for the	e 413 retail conne estimated	etions, cald I date of co entering ite	culated from the empliance. em (except for \$0	one-time avoided o	inimum of 100 ation to the costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	gallons po	er connection for the	e 413 retail conne estimated	entering ite	culated from the impliance, em (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	inimum of 100 attion to the sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	gallons po	er connection for the	e 413 retail conne estimated	etions, cald date of coentering ite	culated from the impliance, em (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	nimum of 100 attor to the sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	gallons po	er connection for the	e 413 retail conne estimated	otions, cald date of coentering its 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	culated from the impliance. em (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	nimum of 100 attor to the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	gallons po	UALIZE [1] avoide	e 413 retail conne estimated	etions, cald I date of co	culated from the impliance, om (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	(inimum of 100 attion to the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date			2011 Control Control States & Apple Control	No. 2007-0062-PWS-E		PCW
		The second secon	West Harrison Wa	ter Supply Cor	poration		•	nn 2 (September 2002)
Dom	South of the Line Hell of	Case ID No. 3					PCW Revis	sion December 8, 2006
Reg		erence No. I	RN 101451532 Public Water Supp	lv				
	* D. C. Charles (2011) 10 10	A STATE OF THE STA	Rebecca Clausewi					
560365555, ₁ 0-5 988 86	Viola	ation Number	2					
		Rule Cite(s)	30 Tex. Admin. Co	de § 290.45(b)(1)(D)(iii) and Tex	k. Health & Safety Code §	§ 341.0315(c)	
	Violatio	n Description	minute ("gpm") p service pumps w pump station or pr retail connections 224 wholesale of gpm, for a total	er connection ith a minimum essure plane should be proconnections sheervice pump d provide a to	for the 413 retail of combined capaci- for the 224 wholes wided with a servi- lould be provided capacity of 960 gr	th a total capacity of 2.0 (connectons and failure to ty of 0.6 gpm per connectiale connections. Specifice pump capacity of 826 with a service pump capacity. The two service pump capacity of 500 gpm (250 8% deficient.	provide two stion at each cally, the 413 gpm and the acity of 134 nps that are	
		•				l	Base Penalty	\$1,000
> Envir	onmental	, Property a	nd Human Hea	Ith Matrix				
		Dalassa		larm	Ainor			
OR		Release Actual	Major Mo	oderate M	Minor			
		Potential		х		Percent 10)%	
. D		na_6_!						
->Flogia	ammatic	Falsification	Major Mo	oderate l	Minor	.		
						Percent (0%	
	Matrix	Without adeq	uate pumping cap	acity, custome	ers of the water su	pply could experience wa	iter shortages	
	Notes	or outages, a	nd the system's ab	ility to provide	a safe and adequ	ate supply of water could	d be impaired.	
						_		
						Adjustment	\$900	
								\$10
iolatio	n Events							
ر		Number of Vio	lation Events	1	44	Number of violation	n days	-
		,			,			
			daily monthly					
		mark only one	quarterly	x		Violation	Base Penalty	\$10
		with an x	semiannual					
			annual single event					
		I	alligle everiti					
		One quarte	rly event is recom	mended, calcu	ulated from the da	te of the investigation, No	ovember 27,	
			2006	, to the date o	f screening, Janua	ary 10, 2007.		
conom	nic Benefi	it (EB) for th	is violation			Statutory Limit	t Test	
		Estimate	d EB Amount		\$591	Violation Final	Penalty Total	\$10
		_3						\$10
				This	violation Final A	ssessed Penalty (adjus	teu for milits)	φ10

Case ID No.	32209	Water Supply Corp	oration			erejit i errijg. Ogdi var vik igg	
Reg. Ent. Reference No. Media Violation No.	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
30.00	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs			1				
Equipment				0,0	\$0	\$0	\$Ó
Buildings	440.000	0000	7 0 1 0007	0,0	\$0	\$0	\$0
Other (as needed) Engineering/construction	\$10,000	27-Nov-2006	1-Oct-2007	0,8	\$28 \$0	\$563 \$0	\$591 \$0
Land				0.0	\$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	The delayed	costs includes the	amount to provid	0.0 e two or	\$0 more pumps with	n/a a total capacity of 2	\$0 .0 gallons per
Other (as needed) Notes for DELAYED costs) per connection for	the 637 connecti	e two or	more pumps with	a total capacity of 2 the date of the inves	.0 gallons per
Notes for DELAYED costs	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated	more pumps with a date required is date of compliance	a total capacity of 2 the date of the inves	.0 gallons per itigation and the
Notes for DELAYED costs	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated entering	more pumps with e date required is date of compliance ltem (except for	a total capacity of 2 the date of the inves ce, one-time avoided of	.0 gallons per stilgation and the costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated entering 0.0	more pumps with a date required is date of compliance litem (except for \$0 \$0	a total capacity of 2 the date of the investee. one-time avoided of \$0 \$0 \$0 \$0	.0 gallons per itigation and the costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated	more pumps with e date required is date of compliance ltem (except for \$0 \$0 \$0	a total capacity of 2 the date of the invested. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	.0 gallons per stigation and the costs) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated entering 0.0 0.0 0.0 0.0	more pumps with e date required is date of compliance tem (except for \$0 \$0 \$0 \$0 \$0	a total capacity of 2 the date of the investe. one-time avoided of \$0 \$0 \$0 \$0 \$0	.0 gallons per itigation and the costs) \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated entering 0.0 0.0 0.0 0.0 0.0	more pumps with e date required is date of compliance item (except for \$0 \$0 \$0 \$0 \$0	a total capacity of 2 the date of the investe. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0 gallons per tilgation and the sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated entering 0.0 0.0 0.0 0.0	more pumps with e date required is date of compliance tem (except for \$0 \$0 \$0 \$0 \$0	a total capacity of 2 the date of the investe. one-time avoided of \$0 \$0 \$0 \$0 \$0	.0 gallons per itigation and the costs) \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS DIsposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	minute ("gpm") per connection for f	the 637 connecti inal date is the e	e two or ons. The stimated sti	more pumps with e date required is date of compliance tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a total capacity of 2 the date of the investee, one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0 gallons per titigation and the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	minute ("gpm") per connection for f	the 637 connectinal date is the ead	e two or ons. The stimated entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	more pumps with e date required is date of compliance tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a total capacity of 2 the date of the investe, one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0 gallons per stigation and the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0

entre a contraja de la filtra de talance

	Docket No. 2007-0062-PWS-E	10-Jan-2007	Screening Date
ision 2 (September 200)	tion Policy Revi	West Harrison Water Supply Corporation	Contract of the Contract of th
evision December 8, 200	PCW Re		Case ID No. :
			Reg. Ent. Reference No. I
			Media [Statute]
			Enf. Coordinator I Violation Number
		3	Pula Cita(e)
	D)(v) and Tex. Health & Safety Code § 341.0315(c)	30 Tex. Admin. Code § 290.45(b)(1)(D)(v)	
	to deliver water at a rate of 0.35 gallons per minute libution system in the event of the loss of normal er supply does not have emergency power and is fore 100% deficient.	("gpm") per connection to the distribution power supply. Specifically, the water su	Violation Description
\$1,00	Base Penalty		
		nd Human Health Matrix	> Environmental, Property a
		Harm	
		Major Moderate Minor	OR Release Actual
	Percent 25%	X	Potential
			>Programmatic Matrix
		Major Moderate Minor	Falsification
	Percent 0%	Major Moderate Minor	Falsification
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised.	ergency power, customers of the water sup	Matrix Without eme
	Percent 0% er supply could experience water outages, and the	ergency power, customers of the water sup	Matrix Without eme
\$2	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised.	ergency power, customers of the water sup	Matrix Without eme
\$2	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised.	ergency power, customers of the water sup	Matrix Notes Without eme syster
\$2	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750	ergency power, customers of the water sup	Matrix Without eme
\$2	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised.	ergency power, customers of the water sup m's ability to provide a safe and adequate s	Matrix Notes Without eme syster
\$2	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750	ergency power, customers of the water supm's ability to provide a safe and adequate solution Events 2	Matrix Notes Without eme system
\$2	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750	ergency power, customers of the water supm's ability to provide a safe and adequate solation Events 2	Matrix Notes Without eme system
\$2 \$5	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750	ergency power, customers of the water supm's ability to provide a safe and adequate solation Events 2	Matrix Notes Without eme system Violation Events Number of Vio
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days	ergency power, customers of the water supm's ability to provide a safe and adequate solation Events 2	Matrix Notes Without eme system
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days	ergency power, customers of the water supm's ability to provide a safe and adequate solation Events 2 daily	Matrix Notes Without eme system Violation Events Number of Vio
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days	ergency power, customers of the water supm's ability to provide a safe and adequate solation Events 2 [daily	Matrix Notes Without eme system Violation Events Number of Vio
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days Violation Base Penalty	ergency power, customers of the water supm's ability to provide a safe and adequate solution Events daily	Matrix Notes Without eme system /iolation Events Number of Vio
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days Violation Base Penalty ed from the date of the investigation, November 27,	ergency power, customers of the water supm's ability to provide a safe and adequate solution Events daily	Matrix Notes Without eme system /iolation Events Number of Vio
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days Violation Base Penalty ed from the date of the investigation, November 27,	ergency power, customers of the water surm's ability to provide a safe and adequate solution Events 2 daily	Matrix Notes Without eme system /iolation Events Number of Vio
	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days Violation Base Penalty ed from the date of the investigation, November 27, bening, January 10, 2007. Statutory Limit Test	ergency power, customers of the water surm's ability to provide a safe and adequate solution Events 2 daily	Matrix Notes Without eme syster Number of Vio. Mark only one with an x Two monthly Two monthly
\$5	Percent 0% er supply could experience water outages, and the uate supply of water could be compromised. Adjustment \$750 44 Number of violation days Violation Base Penalty ed from the date of the investigation, November 27, bening, January 10, 2007. Statutory Limit Test	ergency power, customers of the water supports ability to provide a safe and adequate solution Events 2 daily	Matrix Notes Without eme syster Number of Vio. Mark only one with an x Two monthly Two monthly

	Е	conomic E	Benefit W	orks	heet		
Respondent	West Harrison	Water Supply Corpo	ration				
Case ID No.	32209	*** .				4	
Reg. Ent. Reference No.	RN101451532						
Media	Public Water S	upply				Percent Interest	Years of
Violation No.	3				/ · ·	i crociti interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	110 001111100 01 0	State of the second			· . · . · . · · · · · · · · · · · · · ·		
Delayed Costs							
Equipment	\$10,000	27-Nov-2006	8-Feb-2007	0.2	\$7	\$133	\$140
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling		32.00.000.000.000.000.000.000		0.0	\$ O	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs		costs includes the a from the UALIZE [1] avoided	date of the inve	stigation	to the date of con	ipliance,	
Avoided Costs Disposal	ANN	BALIZE [1] avoided	i costs perore e	0.0	\$0	\$0	\$0
Personnel				0.0	\$0 \$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Notes for AVOIDED costs		There a	are no avolded c	osts asso	ociated with this v	iolation.	Allen
Approx. Cost of Compliance		\$10,000			TOTAL		\$140

	ening Date 10			ti, an estate tree attackers en ser	No. 2007-0062-PWS-E		PCW
	espondent We		Supply Corporat	on			2 (September 2002)
	ase ID No. 322					PCW Revision	December 8, 2006
—————————————————————————————————————	erence No. RN						
	ia [Statute] Pub oordinator Reb						
	tion Number	4					
*1010	Rule Cite(s)						***************************************
	,		30 Tex. Ac	dmin. Code	§ 290.46(t)		***************************************
Violation	Description	supply and an en eached. Specifica	nergency telepho ally, on the date o	ne number of the invest	2 that includes the name of t where a responsible official c igation, the lettering on the si re peeling off the sign.	an be	
					Bas	e Penalty	\$1,000
>> Environmental	. Property and	Human Health	ı Matrix				
	,	Har	m				***************************************
0.0		Major Mode	rate Minor				
OR	Actual Potential				Percent 0%		
	i otentiai	I			7 676011		
>>Programmatic I	Matrix						-
-	Falsification	Major Mode	rate Minor				
		l x		<u> </u>	Percent 5%		
Matrix Notes			become		although there was a sign, the	\$950	
							\$50
						<u> </u>	T
Violation Events							
	Number of Violati	on Events 1		44	Number of violation da	ys	
		daily					
	mark only one with an x	monthly quarterly emiannual annual ngle event x			Violation Bas	se Penalty	\$50
	3 March 1997 1997 - 1997 1997 - 1997	C	One single event	is recomme	ended.		
Economic Benefi	t (EB) for this	violation			Statutory Limit Te	est	
	Estimated El	B Amount	· ·	\$1	Violation Final Per	nalty Total	\$53
***************************************		***************************************			and Bank C. C. C. C.	£ - 1!16->	ĎΕΩ
			This viola	tion Final A	Assessed Penalty (adjusted	ior iimits)	\$53

	E	conomic I	Benefit W	orks	heet		
	West Harrison	Water Supply Corp					
Case ID No.						a Artist	
Reg. Ent. Reference No.	RN101451532 Public Water S	unnlu			± *		Years of
Violation No.		арріу				Percent Interest	Depreciation
3000 P. C. C.						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
		with significan	Mark Royal (1861)				
Delayed Costs)		1 00 1	40		00
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$50	27-Nov-2006	26-Jan-2007	0.2	\$0 \$0	\$1	\$1
Engineering/construction	Ψου	27 1107 2000	EG BALL EGGT	0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			of the investigation	n to the	date of complianc		
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e			one-time avoided o	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0 \$0	\$0
Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	φυ \$0	\$0 \$0	\$0 \$0
Otter (as needed)		<u> </u>		<u> </u>	φυ	Ι ΨΟ Ι	ФО
Notes for AVOIDED costs		There	are no avolded c	osts asso	ociated with this v	iolation.	
to Andrew the							277.37
Approx. Cost of Compliance		\$50			TOTAL		\$1

Screening Date	10-Jan-2007	Docket	No. 2007-0062-PWS-E	PCW
	t West Harrison Water Suppl	y Corporation	Po	licy Revision 2 (September 2002)
Case ID No			F	PCW Revision December 8, 2006
Reg. Ent. Reference No				
	Public Water Supply			
	Rebecca Clausewitz			
Violation Numbe				
Rule Cite(s	30 Tex. /	Admin. Code § 290.46	(f)(2) and (f)(3)(B)(v)	
Violation Description	Falled to maintain records and to make those reco	regarding the calibrati ords available to Comr investigation	on of the flow meter on Well Numbenission personnel at the time of the	er. 3
			Base Pen	alty \$1,000
>> Environmental, Property		rix		
Releas	Harm e Major Moderate	Minor		
OR Actual Potential	al		Percent 0%	
>>Programmatic Matrix				
_Falsification	n Major Moderate	Minor		
		X	Percent 1%	
Matrix Notes	Approximately 10 ⁴	% of the rule requirem	ent was not met.	
			Adjustment	<u>,</u>
	*			\$10
Violation Events				
Number of V	iolation Events 1	44	Number of violation days	
		<u> </u>		
	daily			
mark only one with an x	monthly quarterly semiannual annual single event x		Violation Base Per	nalty \$1
		•		
	One si	ngle event is recomme	inded.	
Economic Benefit (EB) for t	his violation		Statutory Limit Test	
Estimat	ed EB Amount	\$54	Violation Final Penalty	Total \$1
	-		-	
		inis violation Final /	Assessed Penalty (adjusted for li	iiiia) <u>Ti</u>

Case ID No.	32209	Water Supply Corp	oration				
g. Ent. Reference No. Media Violation No.	Public Water S	upply			***	Percent Interest	Years of Depreclation
		100				5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	* j						
Delayed Costs		· · · · · · · · · · · · · · · · · · ·		a)			
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed) Engineering/construction				0,0	\$0 \$0	\$0 \$0	\$0 3 (\$0
Land		1.550.000.0000.0000.0000.0000.000		0.0	\$0 \$0	ηυ n/a	φυ \$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		1		0.0	\$0	n/a	\$0
Permit Costs		i i		0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	ANN		are no delayed c		Item (except for \$0 \$0	one-time avoided o	sosts) \$0 \$0
						1 SO SO	And the second section of the second section of the second
spection/Reporting/Sampling				0.0			\$0 \$0
spection/Reporting/Sampling Supplies/equipment				0,0	\$0	\$0	\$0
spection/Reporting/Sampling	\$50	27+Nov-2006	10-Jul-2007				

Rating: Customer/Respondent/Owner-Operator: West Harrison Water Supply Classification: CN600636906 Corporation Classification: Site Rating: WEST HARRISON WSC Regulated Entity: RN101451532 PUBLIC WATER SYSTEM/SUPPLY 1020078 REGISTRATION ID Number(s): WATER LICENSING LICENSE 1020078

102 N CENTRAL ST, HALLSVILLE, TX, 75650 Location: TCEQ Region: **REGION 05 - TYLER**

Date Compliance History Prepared: January 10, 2007

Agency Decision Requiring Compliance History: Enforcement

January 10, 2002 to January 10, 2007 Compliance Period:

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

(210) 403-4012 Rebecca Clausewitz Name:

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? No

N/A 3. If Yes, who is the current owner?

N/A 4. if Yes, who was/were the prior owner(s)?

N/A 5. When did the change(s) in ownership occur?

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

Any criminal convictions of the state of Texas and the federal government. B.

Chronic excessive emissions events. C.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

> 03/21/2003 (27464)

2 12/27/2006 (519544)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

> Date: 03/27/2003 (27464)

> > NO

Self Report?

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv) Citation:

5A THC Chapter 341, SubChapter A 341.0315(c) Description:

Failure to provide an elevated storage capacity of 100 gallons per connection. Specifically, with 413 retail service connections the water system should provide a

minimum elevated storage capacity of 41,300 gallons. The system currently provides

Classification:

Classification:

Moderate

Moderate

only 25,000 gallons, which is approximately 40% deficient.

Self Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Failure to provide two or more service pumps with a total capacity of 2.0 gallons per Description:

minute ("gpm") per connection for the 413 retail connections and failure to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each

pump station or pressure plane for the 224 wholesale connections.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description:

Failure to provide emergency power to deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply. Specifically, the water supply does not have emergency power

31

and is therefore 100% deficient.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
WEST HARRISON WATER SUPPLY	§	TEXAS COMMISSION ON
CORPORATION	§	
RN101451532	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0062-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding West Harrison Water Supply Corporation ("West Harrison WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and West Harrison WSC appear before the Commission and together stipulate that:

- 1. West Harrison WSC owns and operates a public water supply at 102 North Central Street in Hallsville, Harrison County, Texas (the "Facility") that has approximately 637 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and West Harrison WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that West Harrison WSC is subject to the Commission's jurisdiction.
- 3. West Harrison WSC received notice of the violations alleged in Section II ("Allegations") on or about January 10, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by West Harrison WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Seven Hundred Ninety-Eight Dollars (\$798) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). West Harrison WSC has paid Six Hundred Thirty-Nine Dollars (\$639) of the administrative penalty and One Hundred Fifty-Nine Dollars (\$159) is deferred contingent upon West Harrison WSC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If West Harrison WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require West Harrison WSC to pay all or part of the deferred penalty.

,				

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and West Harrison WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director recognizes that West Harrison WSC has completed the following corrective actions:
 - a. On or about January 26, 2007, West Harrison WSC installed a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
 - b. On or about February 8, 2007, West Harrison WSC installed a portable generator that is capable of providing emergency power to deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply, in accordance with 30 Tex. ADMIN. CODE § 290.45.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that West Harrison WSC has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, West Harrison WSC is alleged to have:

- 1. Failed to provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(iv) and Tex. Health & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 27, 2006.
- 2. Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection for the 413 retail connections and failure to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c), as documented during an investigation conducted on November 27, 2006.

en de la companya de la co La companya de la co

A supplied to the supplied of the

- 3. Failed to provide emergency power to deliver water at a rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 27, 2006.
- 4. Failed to maintain a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached, in violation of 30 Tex. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on November 27, 2006.
- 5. Failed to maintain records regarding the calibration of the flow meter for Well Number 3 and to make those records available to Commission personnel at the time of the investigation, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(v), as documented during an investigation conducted on November 27, 2006.

III. DENIALS

West Harrison WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that West Harrison WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and West Harrison WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: West Harrison Water Supply Corporation, Docket No. 2007-0062-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that West Harrison WSC shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining calibration records for the flow meter on Well Number 3, in accordance with 30 Tex. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.

and the state of t

n de la grande de la composition de la co Composition de la composition della composition della composition della composition della composition della composition della compos

- c. Within 90 days after the effective date of this Agreed Order:
 - i. Provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide two or more service pumps with a total capacity of 2.0 gpm per connection for the 413 retail connections, in accordance with 30 Tex. ADMIN. CODE § 290.45; and
 - iii. Provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections, in accordance with 30 Tex. ADMIN. Code § 290.45.
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon West Harrison WSC. West Harrison WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

 $(x,y) = \{x \in \mathcal{X} \mid \partial x \in \mathcal{P} \mid \partial u \in \mathcal{P}^{\frac{1}{2}} \mid T \neq \emptyset \}$

Profile and the state of the state of the

Control of the Control of

using the second of the second

- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by West Harrison WSC shall be made in writing to the Executive Director. Extensions are not effective until West Harrison WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against West Harrison WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to West Harrison WSC, or three days after the date on which the Commission mails notice of the Order to West Harrison WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

·	<u> </u>			
For the Commission		1		
			_ 1 1 _	
John Sallier	· .		7/30/07	
For the Executive Director			Date	

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature $\frac{3/27/57}{\text{Date}}$

Name (Printed or typed)
Authorized Representative of
West Harrison Water Supply Corporation

President, Board of Director

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

en de la companya del companya de la companya del companya de la c